

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HENRY DUNN III, ERICA SIMPSON-DUNN, &  
HENRY DUNN, IV

Plaintiffs,

**NOTICE OF MOTION**

-against-

08 CV 3208(RJS)(GWG)

THE CITY OF NEW YORK, NEW YORK CITY POLICE  
DEPARTMENT, P.O. BERNARD SOLOMON, SHIELD  
NO.17425, DET. JEFFREY MILLER, SHIELD NO. 4303  
DET. JEFF HARRIS, SHIELD NO. 1542, POLICE  
OFFICERS JOHN DOE AND JANE DOE 1-10, *jointly*  
*and severally* as,

Defendants..

-----X

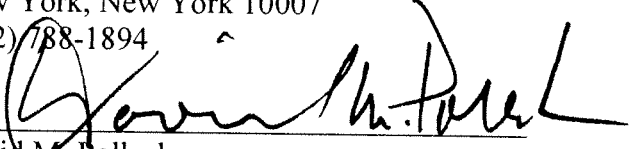
**PLEASE TAKE NOTICE** that upon the annexed Local Civil Rule 56.1 Statement, dated June 29, 2009; the Declaration of Assistant Corporation Counsel David M. Pollack, dated June 29, 2009, and the exhibits annexed thereto; the accompanying Memorandum of Law, dated June 29, 2009, and upon all prior pleadings and proceedings had herein, defendants the City of New York, Jeff Harris, Jeffrey Miller and Bernard Solomon will move this Court before the Honorable Richard J. Sullivan, United States District Judge, at the United States Courthouse for the Southern District of New York, located at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007 on a date and at a time that the Court finds convenient for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that there are no material issues of fact in dispute that warrant a trial, and that these defendants are entitled to judgment as a matter of law, and for such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that opposition papers, if any, shall be served on or before July 29, 2009.

Dated: New York, New York  
June 29, 2009

Respectfully submitted,

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants*  
CITY OF NEW YORK, JEFF HARRIS,  
JEFFREY MILLER, and BERNARD  
SOLOMON  
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By:   
David M. Pollack  
Assistant Corporation Counsel

TO: Darrell Andrew Marshall, Esq.  
The Law Office of Michael Fineman, Esq.  
225 Broadway, Suite 1410  
New York, New York 10007

CC: Hon. Richard J. Sullivan  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 615  
New York, NY 10007